

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: Z-TEL COMMUNICATIONS, INC.	DOCKET NO. TF-03-194
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ORDER DOCKETING TARIFF AND REQUESTING RESPONSE

(Issued July 10, 2003)

On June 11, 2003, Z-Tel Communications, Inc. (Z-Tel), filed with the Utilities Board (Board) a “Wireless Local Termination Tariff.” The proposed tariff sets a per minute rate for terminating calls originated by Commercial Mobile Radio Services (CMRS) providers that are carried through a third-party carrier and then terminated to Z-Tel local exchange customers, unless the wireless carrier and Z-Tel have a negotiated interconnection agreement in place. The proposed tariff has been identified as Docket No. TF-03-194.

On July 1, 2003, U.S. Cellular and Verizon Wireless (collectively, Objectors) filed a joint objection to the proposed tariff requesting that the Board reject Z-Tel’s proposed tariff or, in the alternative, docket the proposed tariff for further proceedings. The Objectors state that the Board previously rejected wireless termination tariffs in Exchange of Transit Traffic, Docket No. SPU-00-7. The Objectors also state that Z-Tel’s proposed tariff violates federal requirements for reciprocity pursuant to 47 U.S.C. § 251(b)(5) and for carriers to negotiate interconnection agreements pursuant to 47 U.S.C. § 251(c)(1). The Objectors further

assert that Z-Tel's tariff violates federal and state requirements that rates for interconnection be based on cost pursuant to 47 U.S.C. §§ 251(c) and 252(d) and 199 IAC 22.12 through 22.13. The Objectors also state that because the FCC is currently studying the validity of wireless termination tariffs,¹ the Board's approval of Z-Tel's proposed tariff is inappropriate at this time.

The Board finds that the proposed tariff should be docketed for further review. Docketing will allow Z-Tel the opportunity to respond to the objections raised and will let the Board determine whether the proposed tariff complies with the Board's decision in Docket No. SPU-00-7.

The Board will establish a procedural schedule if necessary, in a subsequent order, after it has evaluated any response that may be filed by Z-Tel.

IT IS THEREFORE ORDERED:

1. The proposed tariff filed by Z-Tel Communications, Inc., on June 11, 2003, identified as TF-03-194, is docketed for further review.

¹ In the Matter of Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92, "Petition for Declaratory Ruling of T-Mobile USA, Inc.," filed Sept. 6, 2002.

2. Z-Tel Communications, Inc., is requested to file a response to the objections filed by U.S. Cellular and Verizon Wireless on July 1, 2003, within 30 days of the date of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Margaret Munson
Executive Secretary, Deputy

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 10th day of July, 2003.